

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

JAN 19 2006

JOHN F. CORCORAN, CLERK
BY
DEPUTY CLERK

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that petitioner's motion, which the court construes as a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. §2255, shall be and hereby is **DISMISSED** without prejudice as successive and this action is hereby stricken from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to petitioner and to counsel of record for the respondent.

ENTER: This 14 day of January, 2006.

John C. Moon
United States District Judge